

Applicant: Joseph P. Russo, *et al.*
U.S.S.N.: 10/024,971
Filing Date: December 19, 2001
EMC Docket No.: EMC-01-109

REMARKS

This is in response to the Office Action mailed August 12, 2004. Claims 1-29 were pending. Claims 1, 9, 14, 22, and 27 have been amended. Claims 7-8, 20-21, and 29 have been canceled. Claims 1-6, 9-19, and 22-28 remain pending.

Claims 1-29 had been rejected under 35 USC 102(e). In view of the amendments and the arguments presented herein, Applicants respectfully request reconsideration, removal of all claim rejections for any pending claims, and allowance of those same pending claims.

Claims 1-29 had been rejected under 102(e) as being anticipated by US Patent 6,697,823 to Otsuka et al. (Otsuka). In order for such a rejection to be warranted, each element claimed by Applicants must be present in the prior art reference. Here, as is pointed out below, each element is not disclosed, so Applicants respectfully submit that the rejection should be removed and the pending claims allowed.

Applicants claim a method for interfacing with a backup or restore client application on a backup or restore server, the method comprising the computer-executed steps of: using a software agent for selectively presenting a user using a computer other than the backup or restore server with a graphical or command line generic user interface for performing a dialogue; and using information acquired in the dialogue for configuring for or performing a backup or restore operation on the backup or restore server (Claim 1). Applicants also claim a computer system and computer program product, each of which are configured for enabling a computer-executed method including the steps specified in Claim 1 (Claim 14 and 27, respectively). The respective dependent claims inherit all of the limitations of independent

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claims 1, 14, and 27, all of which are not disclosed by Otsuka, and hence Applicants respectfully submit that all of the pending claims should be allowed and hereby request such allowance.

Otsuka discloses a computer unit having a backup function for that computer, but lacks elements specified in Applicants' invention. Otsuka is directed toward solving the problem of preventing data loss in the case where a computer unit is hanged, or in the case where trouble of the computer unit, crash of a terminal side data storage section, or the like occurs, especially in the case of a telephone hangup. In contrast, Applicants' invention solves the problem of allowing configuration of application backup and restores in diverse environments and done simply. Otsuka does not deal with restore, nor does it mention software agents (please see Applicants' Figs. 4 and 5 for reference) that interface between application and server or user communications layers. Although, the Examiner has asserted that Otsuka discloses Application Program Interfaces (API's), reference to such in Otsuka could not be found, nor is such believed to be disclosed by Otsuka. Nor, does Otsuka suggest API's or software agents because of the differences in the problems discussed in Otsuka (telephone hangups) and that which is solved by Applicants' invention (configuring backup and/or restores in diverse environments by users).

In view of the foregoing, the Applicants believe that the application is in condition for allowance and respectfully request favorable reconsideration and allowance of Claims 1-6, 9-19, and 22-28.

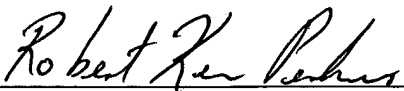
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In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at (508) 293-6985.

Please charge all fees occasioned by this submission to Deposit Account No. 05-0889.

Respectfully submitted,

Dated: October 29, 2007


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